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October 26, 2012

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules
And Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of
1996; MB Docket No. 09-182**

**Expanding the Economic and Innovation Opportunities of Spectrum through Incentive
Auctions; Docket No. 12-268**

Dear Ms. Dortch:

On October 25, 2012, Doug Franklin, President, Cox Media Group (CMG), Bill Hoffman, Executive Vice President, CMG, Joey Lesesne, Vice President, Public Policy and Government Affairs, Cox Enterprises and the undersigned met with the following: Commissioner Robert McDowell; Commissioner Mignon Clyburn, her Chief of Staff David Grimaldi and Legal Clerk Joseph Dworak; Commissioner Jessica Rosenworcel and her Policy Director Alex Hoehn-Saric; Commissioner Ajit Pai and his Chief of Staff Matthew Berry; and Elizabeth Andrion, acting Chief Counsel and Senior Legal Advisor, and Lyle Elder, Attorney-Advisor, for Chairman Genachowski. During our meetings, we discussed the Commission’s quadrennial review of its media ownership rules as set forth in the outline below and provided the offices with a copy of our Comments in the proceeding, an electronic copy of which is attached to this filing.

We also made the point that the incentive auction Notice of Proposed Rulemaking did not offer much detail regarding the FCC’s possible approach to repacking the broadcast spectrum. We encouraged the Commission to provide greater transparency and clarity regarding that process in the future and to take the appropriate steps to minimize the harmful impact on broadcasters that remain in the band. Finally, we highlighted an additional concern with repacking regarding the Canadian border region, particularly with respect to CMG’s Seattle television station.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules

Sincerely,

_____/s/_____
Barry Ohlson

Attachment

cc: Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
David Grimaldi
Alex Hoehn-Saric
Matthew Berry
Elizabeth Andrion
Lyle Elder
Joseph Dworak

Cox Media Group
MB Docket No. 09-182

➤ **Cox Media Group Holdings**

- 8 Daily and 16 Weekly Newspapers
- 15 Full-Power TV Stations
- 86 Radio stations
- More than 9,000 employees

➤ **It Is Time to Eliminate the NBCO Rule**

- Cox's longstanding cross-owned properties in Atlanta and Dayton demonstrate that cross-ownership enhances diversity, localism, and competition – a conclusion amply supported in the record before the Commission developed over many years
 - Cox's Dayton and Atlanta newspaper/broadcast combinations were grandfathered when the Commission adopted the NBCO Rule in 1975; certain more recent media combinations in Dayton and Atlanta are subject to pending waiver requests
- Both short- and long-term trends in the newspaper industry suggest readers can expect less professional journalism service in coming years (*e.g., New Orleans Times-Picayune*)
- Permitting cross-ownership could slow and perhaps reverse these trends

➤ **At a Minimum, It Is Time to Rationalize the NBCO Rule**

- Eliminate Radio from the Cross-Ownership Ban
 - Today radio does play a very different role than either television or newspapers
 - Newspaper/radio combinations could improve both radio and newspaper news output
- Replace contour-based rule with market-based rule for newspaper/television combos
 - Modified DMA-based trigger would better reflect media markets
 - Rule should apply only if all of the following conditions are met:
 - Newspaper and television station are located in same DMA;
 - Newspaper's circulation exceeds 5 percent of the households in the television station's community of license; and
 - The digital equivalent of a television station's Grade A contour fully encompasses the newspaper's community of publication
 - Existing combinations should be grandfathered
- Permit NBCO Combinations to participate fully in local media markets
 - Any waiver should permit a single owner to operate a newspaper and as many television and radio stations as permitted by the local ownership rules
- Adopt uniform, two-pronged NBCO waiver standard for all markets
 - Diversity Prong: 20 voices test
 - Localism Prong: 3 independent news producers other than the combining properties remain in the market